

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

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Nathaniel Livingston, Jr.,  
Plaintiff

vs

Case No. 1:02-cv-102-TSH  
(Hogan, M. J.)

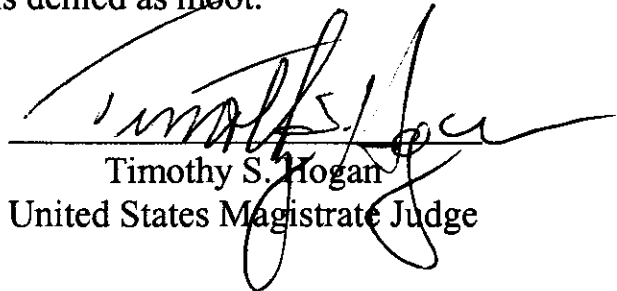
Charles Luken, et. al.,  
Defendants

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**ORDER**

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This matter is before the Court on plaintiff's motion to dismiss defendant Eubanks, and defendants' motion to stay the proceedings. The parties have consented to the entry of final judgment by the undersigned United States Magistrate Judge. The Court conducted an informal conference in this matter on May 3, 2006. Pursuant to the Court's discussions with the counsel and the parties, plaintiff's motion to dismiss defendant Eubanks will be granted. The claims against defendant Eubanks are hereby dismissed with prejudice, pursuant to Fed. R. Civ. P. 41(b). Consequently, defendants' motion to stay the proceedings is denied as moot.

  
Timothy S. Hogan  
United States Magistrate Judge